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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,637	07/23/2003	Mitsutoshi Hasegawa	03500.017418.	6892
5514	7590	06/14/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			RAABE, CHRISTOPHER M	
30 ROCKEFELLER PLAZA				
NEW YORK, NY 10112			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,637

Applicant(s)

HASEGAWA ET AL.

Examiner

Christopher M. Raabe

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 7-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/18/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to an image display device, classified in class 313, subclass 553.
 - II. Claims 7-22, drawn to a method of manufacturing an image display device, classified in class 445, subclass 041.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by a materially different process such as one including a step of stacking an evaporating and non-evaporating getter apart from an image display member or a first substrate, one which does not require baking steps, or one in which the baking steps occur in a gas.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Frank DeLucia on May 26, 2005 a provisional election was made with traverse to prosecute the invention of an image display device, claims 1-6. Affirmation of this election must be made by applicant in replying to this Office action.

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Claims 7-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent 6278234) in view of Lee et al. (US Patent 6422824).

With regard to claim 1,

Ono et al. disclose an image display device comprising in an airtight container an electron source (column 6, line 52, and 1 of fig 1), an image display member (column 6, lines 55-58, and 4 of fig 1); and a getter (column 6, line 57, and 9 of fig 1), the image display member facing the electron source to receive electrons from the electron source (column 6, lines 50-58, and 1, 4, and 5 of fig 1).

Ono et al. do not disclose the above image display device wherein the getter is obtained by stacking an evaporating and a non-evaporating getter in an airtight container.

Lee et al. do disclose, for use in a display device, stacking an evaporating and a non-evaporating getter in an airtight container (column 3, lines 3-6) in order for the evaporating and non-evaporating getters to compliment each other to achieve an optimum result (column 3, lines 1-2, 47-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the stacking of the evaporating and non-evaporating getters, taught by Lee et al., into the image display device disclosed by Ono et al. since this will achieve an optimum result (Lee et al. column3, lines 1-2).

With regard to claim 2,

Ono et al. disclose an image display device wherein the getter is placed on the image display member (column 6, lines 55-58, and 9 of fig 1).

With regard to claim 3,

Ono et al. disclose an image display device wherein the getter extends over a region of the image display member that receives the electrons (column 6, lines 55-58, and column 7, lines 33-35).

With regard to claim 4,

Ono et al. disclose an image display device, wherein the getter is constituted by placing first a non-evaporating getter on the getter placement face and then laying another non-evaporating getter (column 17, lines 27-30).

Ono et al. do not disclose laying an evaporating getter on the first non-evaporating getter. Lee et al do disclose laying an evaporating getter on the non-evaporating getter (column 4, lines 56-59, and column 3, lines 43-46).

Utilizing the reasoning in the above rejection of claim 1, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the utilization of an evaporating getter to be laid on the non-evaporating getter, as disclosed in Lee et al., into the display device of Ono et al.

With regard to claim 5,

Ono et al disclose an image display device, wherein the other (non-evaporating) getter is thinner than the first non-evaporating getter, upon which it is placed (column 17, lines 27-30, column 20, lines 30-34, 60-63).

Ono et al. do not disclose laying an evaporating getter on the non-evaporating getter.

Lee et al do disclose laying an evaporating getter on the non-evaporating getter (column 4, lines 56-59, and column 3, lines 43-46).

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Utilizing the reasoning in the above rejection of claim 1, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the utilization of an evaporating getter to be laid on the non-evaporating getter, as disclosed in Lee et al., into the display device of Ono et al.

With regard to claim 6,

Ono et al. disclose an image display device, wherein the getter is constituted by placing first a non-evaporating getter on the glass plate (getter placement face) and then laying a non-evaporating getter on the first non-evaporating getter (column 17, lines 27-30, and column 20, lines 30-34).

Ono et al. do not disclose placing first an evaporating getter on the glass plate (getter placement face).

Lee et al. do disclose placing first an evaporating getter on the glass plate (getter placement face) (column 4, lines 59-62). Utilizing the reasoning in the above rejection of claim 1, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate laying the evaporating getter on the placement face, as disclosed in Lee et al., into the image display device of Ono et al.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 6652343, 6489720, 5731660.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR


ASHOK PATEL
PRIMARY EXAMINER